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United States of America

6 IN THE UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ARMANDO CHAVEZ,

13 Defendant.

CASE NO. 1:20-CR-00218-JLT-SKO

STIPULATION TO CONTINUE CHANGE OF
PLEA; ORDER THEREON

Court: Hon. Sheila K. Oberto

14

15 STIPULATION

16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
17 through defendant's counsel of record, hereby stipulate as follows:

18 1. By previous order, this matter was set for a CHANGE OF PLEA HEARING on February
19 3, 2023

20 2. By this stipulation, defendant now moves to continue the change of plea hearing until
April 10, 2023 at 10:00 a.m. before the Hon. Jennifer L. Thurston. The reasons for the continuance
21 include to provide defense counsel with additional time to review the change of plea considerations with
22 his client. In addition, Defendant is scheduled for a medical surgery in the interim that will make
23 meeting with his attorney more difficult. The proposed change of plea date represents the earliest date
24 that counsel are available, taking into account counsels' schedules, defense counsels' commitments to
25 other clients, and the court's available dates for a change of plea hearing.

26
27 a) Counsel for defendant believes that failure to grant the above-requested
28 continuance would deny him/her the reasonable time necessary for effective preparation, taking

1 into account the exercise of due diligence.

2 b) The government does not object to the continuance.

3 c) Based on the above-stated findings, the ends of justice served by continuing the
4 case as requested outweigh the interest of the public and the defendant in a trial within the
5 original date prescribed by the Speedy Trial Act.

6 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
7 et seq., within which trial must commence, the time period of February 3, 2023 to April 10,
8 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
9 T4] because it results from a continuance granted by the Court at defendant's request on the basis
10 of the Court's finding that the ends of justice served by taking such action outweigh the best
11 interest of the public and the defendant in a speedy trial.

12 3. Nothing in this stipulation and order shall preclude a finding that other provisions of the
13 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
14 must commence.

15 IT IS SO STIPULATED.

16 Dated: January 30, 2023

PHILLIP A. TALBERT
United States Attorney

21 Dated: January 30, 2023

22 /s/ Dan Harralson
23 Attorney for Defendant Armando Chavez

24 **O R D E R**

25 IT IS SO ORDERED.

26 DATED: 1/30/2023

27 *Sheila K. Oberto*
28 HONORABLE SHEILA K. OBERTO
United States Magistrate Judge